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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,742	02/11/2004	Ronald S. Cok	84604AAJA	3604

7590 02/17/2006

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EXAMINER

DONG, DALEI

ART UNIT	PAPER NUMBER
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2879

DATE MAILED: 02/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

Office Action Summary	Application No.	Applicant(s)	
	10/776,742	COK, RONALD S.	
	Examiner	Art Unit	
	Dalei Dong	2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/11/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because Figures 18-20 are drawn by hand. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Specification

2. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claim 1 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 33 of U.S. Patent No. 6,771,021 to Cok. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 1 of the present claimed invention is being anticipated by claims 33 of U.S. Patent No. 6,771,021 to Cok.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-34 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,652,930 to Teremy.

Regarding to claim 1, Teremy discloses in Figures 10 and 11, a method for providing a replaceable light source comprising the steps of: manufacturing a light source (EL element of 202, 204 and 206) on a flexible substrate (200) in a substantially two-dimensional configuration; (c) flexing and removably placing the light source in a curved three-dimensional configuration within a light fixture (see column 7, lines 1-30).

However, Teremy does not specifically disclose shipping the light source in the two-dimensional configuration.

It is old and well known in the art to ship the product in a planar configuration for the purpose of saving space and cost during the transfer of the product.

Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have ship the light source of Teremy in a two-dimensional configuration in order to save space and cost during the transfer of the light source.

Regarding to claim 2, it is old and well known in the art to packing the light source in a flat package in order to save space and cost while provide protection for the light source.

Regarding to claim 3, it is old and well known in the art to pack a plurality of light sources in a package.

Regarding to claim 4, it is old and well known in the art to remove a single light source from the package.

Regarding to claim 5, it is old and well know to handle the light source in a delicate manner where the light source may be removed from the package and mounted in a light fixture by holding and manipulating the light source by the edges of the light source in order to prevent damages to the light source during the installation process.

Regarding to claim 6, vending a product from a machine is an old and well know method of selling the product. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have vending the light source in flat package from a vending machine.

Regarding to claim 7, vending a product through the mail is an old and well known method of selling the product. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have vending the light source in a flat package through the mail.

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Regarding to claim 8, it is old and well known in the art to vend the light source in a flat package with the light fixture.

Regarding to claim 9, it is old and well known in the art to store plurality of light sources in a flat configuration within a dispenser adapted to dispense one light source at a time.

Regarding to claim 10, it is old and well known in the art to place advertising on a non-emissive portion of the light source.

Regarding to claim 11, it is old and well known in the art to induce the sale of a lighting fixture by providing a light source at no cost to a customer.

Regarding to claim 12, it is old and well known in the art to duce the sales of a light sources by providing a lighting fixture at no cost to a customer.

Regarding to claim 13, it is old and well known in the art to test the light source in a package.

Regarding to claim 14, it is old and well know in the art to receive a deposit from a customer for a light source and returning the deposit to the customer upon a return of the light source.

Regarding to claim 15, it is old and well know in the art to receive a deposit from a customer for a light source and returning the deposit to the customer upon the purchase of a second light source.

Regarding to claim 16, it is old and well known in the art to vend a plurality of light source each in a flat package depending from a common support.

Regarding to claim 17, Teremy discloses in Figures 10 and 11, a method for providing a replaceable light source comprising the steps of: manufacturing a light source (EL element of 202, 204 and 206) on a flexible substrate (200) in a substantially two-dimensional configuration; (e) flexing and removably placing the light source in a curved three-dimensional configuration within a light fixture (see column 7, lines 1-30).

However, Teremy does not specifically disclose forming a sequentially attach plurality of the light sources into a cylindrical roll; shipping the roll of light sources; detaching one or more of the light sources from the roll.

It is old and well known in the art to ship the plurality of product sequentially attached in a different configuration and detach one or more of the product after shipping for the purpose of saving space and cost during the transfer of the product.

Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have ship the light source of Teremy sequentially attached in a cylindrical configuration in order to save space and cost during the transfer of the light source.

Regarding to claim 18, it is old and well known in the art to provide a plurality of light sources packaged in a roll and electrically connected in parallel and means to detach and provide power to groups of individual light sources electrically connected in parallel.

Regarding to claim 19, it is old and well known in the art to provide a plurality of light sources packaged in a roll and electrically connected in series and means to detach and provide power to groups of individual light sources electrically connected in series.

Furthermore, in regarding to claims 18 and 19, the Applicant claims the light source may be connected in parallel and series, thus the light source may be connected in any manner and the manner in which the light source is connected is not patentably important.

Regarding to claim 20, it is old and well known in the art to provide the sequential attachment by a common flexible substrate.

Regarding to claim 21, it is old and well known in the art to provide the sequential attachment is provided by a common backing layer to which the light sources are attached.

Regarding to claim 22, it is old and well known in the art to vend the light sources from a vending machine.

Regarding to claim 23, it is old and well known in the art to vend the light sources through the mail.

Regarding to claim 24, it is old and well known in the art to vend the light sources with the lighting fixture.

Regarding to claim 25, it is old and well known in the art to vend a plurality of light sources from a dispenser adapted to dispense one light source at a time.

Regarding to claim 26, Teremy discloses in Figures 10 and 11, a method for providing a replaceable light source comprising the steps of: manufacturing a plurality of light source (EL element of 202, 204 and 206) on one or more flexible substrate (200) in a substantially two-dimensional configuration; (e) flexing and removably placing the light source in a curved three-dimensional configuration within a light fixture (see column 7, lines 1-30).

However, Teremy does not specifically disclose forming a sequentially attach plurality of the light sources into a accordion-folded stack; shipping the light sources in the stack; detaching one or more of the light sources from the stack.

It is old and well known in the art to ship the plurality of product sequentially attached in a different configuration and detach one or more of the product after shipping for the purpose of saving space and cost during the transfer of the product.

Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have ship the light source of Teremy sequentially attached in a accordian configuration in order to save space and cost during the transfer of the light source.

Regarding to claim 27, it is old and well known in the art to provide a plurality of light sources packaged in a roll and electrically connected in parallel and means to detach and provide power to groups of individual light sources electrically connected in parallel.

Regarding to claim 28, it is old and well known in the art to provide a plurality of light sources packaged in a roll and electrically connected in series and means to detach and provide power to groups of individual light sources electrically connected in series.

Furthermore, in regarding to claims 27 and 28, the Applicant claims the light source may be connected in parallel and series, thus the light source may be connected in any manner and the manner in which the light source is connected is not patentably important.

Regarding to claim 29, it is old and well known in the art to provide the sequential attachment by a common flexible substrate.

Regarding to claim 30, it is old and well known in the art to provide the sequential

attachment is provided by a common backing layer to which the light sources are attached.

Regarding to claim 31, it is old and well known in the art to vend the light sources from a vending machine.

Regarding to claim 32, it is old and well known in the art to vend the light sources through the mail.

Regarding to claim 33, it is old and well known in the art to vend the light sources with the lighting fixture.

Regarding to claim 34, it is old and well known in the art to vend a plurality of light sources from a dispenser adapted to dispense one light source at a time.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following prior art are cited to further show the state of the art of composition of a method for providing a replaceable light source.

U.S. Patent No. 4,427,479 to Glaser.

U.S. Patent No. 4,721,883 to Jacobs.

U.S. Patent No. 5,055,076 to Mori.

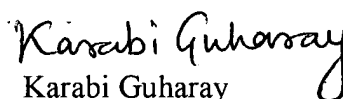
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalei Dong whose telephone number is (571)272-2370. The examiner can normally be reached on 8 A.M. to 5 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar Patel can be reached on (571)272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



D.D.
February 9, 2006


Karabi Guharay
Primary Examiner
Art Unit 2879